

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.456 OF 2017**

Rashida Banomohd Khan

..Petitioner

vs.

Municipal Corporation of Greater Mumbai

...Respondent

Mr.Vaibhav Ugle i/b Mr. A.R. Kandoi for the Petitioner.

Ms.Pallavi Thakar for the Respondent-BMC.

CORAM : A.S. OKA & P. N. DESHMUKH, JJ.

DATE : 23rd FEBRUARY, 2018

P.C.:

. Mr.Ugle, the learned counsel for the Petitioner states that the subject structure has been demolished. He submits that he is pressing that part of prayer clause (b) by which he is seeking permanent alternate accommodation. He pointed out from the document marked as Exhibit 'H' to the Petition that one Radha Nair was shown as occupant and she was held to be eligible for alternate accommodation subject to the conditions.

2. Today, Ms.Thakar, the learned counsel appearing for the Municipal Corporation states that in August 2017, the final decision has been taken and that the said Radha Nair was held as ineligible for grant of an alternate accommodation. Learned counsel for the Municipal corporation states that since the Petitioner could not produce any documents in relation to the subject structure, the claim of the Petitioner for eligibility for alternate accommodation has not been considered. As the Petitioner's structure has been demolished, he deserves one more opportunity for proving his eligibility for the grant of alternate accommodation.

3. Therefore, this petition need not be kept pending and is

disposed of by passing the following order:

ORDER

- i) We direct the petitioner to produce all the documents in support of his claim for eligibility with the Assistant Municipal Commissioner 'L' ward within a period of one month from today;
- ii) The Assistant Municipal Commissioner 'L' ward shall consider the said documents and shall decide whether the Petitioner is eligible for grant of alternate accommodation in lieu of the subject structure which has been demolished;
- iii) The decision shall be taken by the Assistant Municipal Commissioner 'L' ward within a period of 3 months from today provided all the documents are produced within a period of one month from today;
- iv) The decision taken on the claim for eligibility shall be communicated to the Petitioner;
- v) All contentions of the parties on merits are kept open;
- vi) The petition is disposed of on the above terms.

(P.N. DESHMUKH, J)

(A.S. OKA, J.)